



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States Attorney's Office
50 Main Street, Suite 1100
White Plains, New York 10606*

July 12, 2023

BY ECF

The Honorable Kenneth M. Karas
United States District Court Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: ***United States v. Richard Lockett, 21-Cr-15 (KMK)***

Dear Judge Karas:

The Government submits this letter to respectfully request that the Court order the United States Probation Office for the Northern District of New York (the "NDNY Probation Office") to provide the Government with chronological and other records detailing Richard Lockett's supervision in connection with the Government's preparation for the upcoming violation of supervised release ("VOSR") hearing scheduled in this case on September 8, 2023.

I. Procedural Background

Lockett's latest round of supervised release commenced on May 20, 2022. Although jurisdiction over Lockett's case remains in this District, he was supervised by the NDNY Probation Office because the address he provided as his place of residence was located in Ellenville, which is in the Northern District of New York. On October 27 and November 3, 2022, the NDNY Probation Office received information that Lockett was abusing his wife, who was pregnant. Following the alleged abuse, on November 3, 2022, Lockett left his approved residence without telling the NDNY Probation Office. He then disappeared, failing to report for drug testing and failing to report to the NDNY Probation Office as required. Lockett's whereabouts were unknown for approximately two months.

The NDNY Probation Office provided this information to the SDNY Probation Office, and an amended violation petition¹ containing the following seven specifications was issued on March 15, 2023 (the "Amended VOSR Petition"): (1) failing to notify Probation of a change of address; (2) failing to comply with drug testing requirements; (3) failing to report to Probation as directed; (4) committing a violation of state law, namely, assault in the third degree pursuant to New York Penal Law § 120; (5) committing a violation of state law, namely, menacing in the third degree pursuant to New York Penal Law § 120.15; (6) committing a violation of state law, namely,

¹ An initial violation report, which did not contain specifications four through seven, was issued on November 15, 2022.

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reckless endangerment in the second degree pursuant to New York Penal Law § 120.20; and (7) committing a violation of state law, namely, criminal obstruction of breathing or blood circulation pursuant to New York Penal Law § 121.11.

II. Application

The Government asks that the NDNY Probation Office release the following records to the Government:

1. The complete file for Richard Lockett, including but not limited to chronological records (referred to by the NDNY Probation Office as a “chronology” or “chrono”); and
2. All records related to the specifications contained in the Amended VOSR Petition.

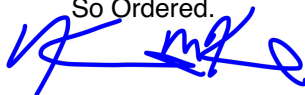
The Government has reason to believe that these records contain material relevant to the violations in the Amended VOSR Petition given that, for example, specifications one through three are based on Lockett’s interactions (or lack thereof) with Probation, and specifications four through seven relate to Lockett’s abuse of his wife which was first reported via phone call to the NDNY Probation Office and, to the Government’s knowledge, the phone calls were not recorded or documented elsewhere. In any event, the NDNY Probation Office’s records regarding its investigation into the domestic violence allegations are also relevant to the hearing and not available from other sources.

In addition, the Government intends to call Lockett’s supervisory probation officer from the NDNY to testify at the VOSR hearing and seeks these records to comply with its obligations under Title 18, United States Code, Section 3500 and/or pursuant to its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972).

Accordingly, the Government requests that the Court order the NDNY Probation Office to release the records specified above to the Government by July 28, 2023 to allow the Government sufficient time to make the necessary disclosures to the defendant prior to the VOSR hearing on September 8, 2023.

Granted.

So Ordered.



7/12/23

Respectfully submitted,

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cc: Frank O'Reilly (via ECF)
Chelsea Deyo, Probation Officer, NDNY Probation Office (via email)